

LELAND TOWNSHIP
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LELAND TOWNSHIP CEMETERY ORDINANCE

ADOPTED APRIL 10, 1995

ESTABLISHED RULES AND REGULATIONS FOR
BEECHWOOD CEMETERY
N. Manitou Trail, Leland, Michigan
and
EAST LELAND CEMETERY
Horn Road, Leland, Michigan

Questions and concerns should be directed to:

Jane Keen, Leland Township Clerk – 231-256-7546, Ext. 201

**LELAND TOWNSHIP
LEELANAU COUNTY, MICHIGAN**

CEMETERY ORDINANCE

Ordinance 1995-02

Adopted April 10, 1995

**Amended January 8, 1996, July 13, 1997; April 18, 2005; December 10, 2007; and
February 8, 2016**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Leland, Leelanau County, Michigan; to provide penalties for violation of said ordinance; and to repeal all ordinances or part of ordinances in conflict therewith.

SECTION 1: TITLE

This ordinance shall be known and cited as the Leland Township Cemetery Ordinance.

SECTION 2: DEFINITIONS OF CEMETERY LOTS

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate eight grave sites.
- B. A burial space shall consist of a land area of five (5) feet wide and nine (9) feet in length for Beechwood Cemetery and five (5) feet wide and ten (10) feet in length for East Leland Cemetery.
- C. Up to six (6) cremation burials are permitted per grave site.

SECTION 3: SALE OF LOTS OR BURIAL SPACES

- A. Due to the limited number of grave sites, the Township of Leland will sell grave sites to residents and property owners of the Township.
- B. Cemetery lots shall be regarded as sold when paid for in full. Lot owners shall understand that title to the land is vested in the township and that the buyer's Burial Permit grants to the buyer the exclusive use of the grave site(s) for burial purposes only.
- C. The Burial Permit shall extend the right of burial in the listed grave sites to the buyer and members of the buyer's family. The Burial Permit shall not be assigned or transferred to any other person except family members or to the Township of Leland. Family members are defined as parents, spouses, children, siblings, nieces, nephews, and grandchildren of the owner of the Burial Permit.
- D. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such Burial Permit upon the original Burial Permit form issued and approved by the Township Clerk, and entered into the official records of the Township Clerk. The Clerk shall issue a new Burial Permit to the assignee and shall cancel the previous Burial Permit.

- E. If the lot owner decides to sell any grave site(s), the sites must be sold to Leland Township, who will buy the unused grave site at one-half (1/2) of the prevailing selling price.
- F. All such sales shall be made on a form approved and executed by the Township Clerk.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES

- A. Each cemetery grave shall cost the sum of \$300.00, or \$600 per pair of vaults in a cremation wall, if built.
- B. The foregoing charges shall be paid to Leland Township and shall be deposited in the appropriate account.
- C. The Township Board, by resolution, may periodically alter the fees to accommodate increased costs.

SECTION 5: GRAVE OPENINGS

- A. The opening and closing of any grave site shall be at the cost of the family. The charge for full burial interments will be billed directly from the funeral home to the family.
- B. The Sexton shall record burial date and location in the township cemetery records.

SECTION 6: MARKERS OR MEMORIAL

- A. The Sexton shall oversee the placement of all markers. The grave marker foundations shall have at least a 4 inch apron around the grave marker base, even with the ground to facilitate maintenance.
- B. All markers must be of stone, cast bronze, or other equally durable composition.
- C. Grave markers shall not be altered or removed.
- D. Grave markers shall be allowed up to 24 inches high, 48 inches wide and 16 inches deep.
- E. Family markers shall be allowed up to 3 feet high, 5 feet wide and 16 inches deep.
- F. If 6 grave markers are required for cremation burials, the extra markers located on another section of the grave site, shall be flush with the ground.

SECTION 7: INTERMENT REGULATIONS

- A. All interments must be made under the direction of the Township Sexton, or designated official.
- B. Interments may be restricted between November 15 and April 15 during inclement weather at the discretion of the Township Sexton.
- C. Cremains must be placed in a concrete vault.
- D. All grave sites shall be oriented in an east/west direction and headstones shall be placed on the west end of the site. The inscription on the grave stone shall face the west.

- E. Generally one person may be buried in a grave site. Exceptions: A mother and infant or two children buried at the same time. If two headstones are required, the second one shall be flush with the ground.
- F. Not less than a 24-hour notice shall be given in advance of any time of any funeral to allow for the opening of the grave site. The grave opening is handled through the Mortuary after they obtain permission from the Sexton.
- G. The Burial Permit for the grave site involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Sexton prior to interment. Where such Burial Permit has been lost or destroyed, the Township Sexton shall be satisfied, from his/her records, that the person to be buried is an authorized and appropriate one before any interment is commenced or completed.

SECTION 8: GROUND MAINTENANCE

- A. No grading, leveling or excavating upon a grave site shall be allowed without the permission of the Township Board, or designee.
- B. Upright markers, concrete walls or any enclosure causing an obstruction that will not permit the mowing of grass continuously from lot to lot is prohibited and lots should be kept level to make it practical and convenient for the care of the cemetery.
- C. Permanent plantings shall be allowed as permitted by the Township Sexton as directed by the Township Board.
- D. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- E. Flowers shall be placed as to not interfere in the mowing and maintenance of the area. Artificial and temporary arrangements shall be allowed May 15 through October 15 and should be removed by the family or removal shall be made by the township maintenance employee.
- F. The township shall have the right and authority to remove and dispose of any and all growth, emblems, display, or containers that through decay, deterioration, damage or otherwise becomes unsightly, a source of litter, or a maintenance problem.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
- H. All monuments, mausoleums or tombs that become unsightly, dilapidated, or a safety hazard to visitors, the Township shall have the right at the expense of the lot owner to correct the condition or to remove the same.

SECTION 9: RECORDS

- A. The Township Clerk and Sexton shall maintain records concerning all burials, issuance of burial permits, and records of burial rights ownership, separate and apart from any other records of the township and the same shall be open to public inspection by appointment at reasonable business hours.

SECTION 10: PENALTIES

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION 11: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

SECTION 12: EFFECTIVE DATE

The foregoing ordinance was duly adopted by the Leland Township Board on the 10th day of April 1995. A copy of same was recorded into the Leland Township Ordinance Book, kept by the Leland Township clerk, and filed with the Leelanau County clerk, published in the *Leelanau Enterprise* on April 20, 1995. The effective date of this ordinance is, therefore, April 20, 1995.

Board Members' Vote:

Gary Bardenhagen, Supervisor:	Aye
Judith Geer, Clerk:	Aye
Clifford Egeler, Treasurer:	Aye
Michael Kirt, Trustee:	Aye
Gerald Culman II, Trustee:	Absent

Ayes: 4 Nays: 0 By roll-call vote: Carried.

[s] Judith A Geer
Judith A. Geer, Leland Township Clerk